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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

A. Order For Detention

After conducting a detention hearing pursuant to 18 U.S.C. §3142(f) of the Bail Reform Act, the Court orders the above named defendant detained pursuant to 18 U.S.C. §3142(e) and (i).

B. Statement of Reasons For the Detention

The Court orders the defendant's detention because it finds:

X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.

By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

C. Findings of Fact

The Court's findings are based on the evidence which was presented in Court and that which was

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1 contained in the Pretrial Services Report, and includes the following:

2 X (1) Nature and circumstances of the offense charged:

3 X (a) The crime:

4 Unlawful Possession of a Controlled Substance

5 is a serious crime and carries a maximum penalty of over 10 years

6 (b) The offense is a crime of violence.

7 (c) The offense involves a narcotic drug.

8 X (d) The offense involves a large amount of controlled substances, to wit:

9 78 Kg Methamphetamine

10 X (2) The weight of the evidence against the defendant is high but is the least significant
11 factor.

12 X (3) The history and characteristics of the defendant including:

13 X (a) General Factors:

14 The defendant appears to have a mental condition which may affect
15 whether the defendant will appear.

16 X The defendant has no family ties in the area.

17 X The defendant has no steady employment in the area.

18 X The defendant has no substantial financial resources or bond proposals.

19 X The defendant is not a long time resident of the community.

20 X The defendant does not have any significant community ties.

21 Past conduct of the defendant:

23 The defendant has a history relating to drug abuse.

24 The defendant has a history relating to alcohol abuse.

25 The defendant has a significant prior criminal record.

26 The defendant has a prior record of failure to appear at court proceedings.

27 The defendant has a prior record of probation, parole or supervised
28 release violations and/or revocations.

1 (b) At the time of the current arrest, the defendant was on:
2 ____ Probation
3 ____ Parole
4 ____ Release pending trial, sentence, appeal or completion of sentence.

5 X (c) Other Factors:

6 ____ The defendant is an illegal alien and is subject to deportation.

7 X The defendant is a legal alien and will be subject to deportation if
8 convicted.

9 ____ Other: _____

10 ____ (4) The nature and seriousness of the danger posed by the defendant's release are as
11 follows: _____
12
13 _____

14 X (5) Rebuttable Presumptions

15 In determining that the defendant should be detained, the Court also relied on the
16 following rebuttable presumption(s) contained in 18 U.S.C. §3142(e) which the
17 Court finds the defendant has not rebutted.

18 X (a) That no condition or combination of conditions will reasonably assure the
19 appearance of the defendant as required because the Court finds that the crime
20 involves:

21 ____ (A) A crime of violence; or

22 ____ (B) An offense for which the maximum penalty is life imprisonment or
23 death; or

24 X (C) A controlled substance violation which has a maximum penalty of 10
25 years or more; or,

26 ____ (D) A felony after the defendant had been convicted of two or more prior
27 offenses described in (A) through (C) above, and the defendant has a prior
28 conviction for one of the crimes mentioned in (A) through (C) above which is less

1 than five years old and which was committed while the defendant was on pretrial
2 release.

3 _____ (b) That no condition or combination of conditions will reasonably assure the
4 appearance of the defendant as required and the safety of the community because
5 the Court finds that there is probable cause to believe:

6 _____ (A) That the defendant has committed a controlled substance violation
7 which has a maximum penalty of 10 years or more.

8 _____ (B) That the defendant has committed an offense under 18 U.S.C.
9 §924(c) (uses or carries a firearm during and in relation to any crime of violence,
10 including a crime of violence, which provides for an enhanced punishment if
11 committed by the use of a deadly or dangerous weapon or device).

12 D. **Additional Directives**

13 IT IS ORDERED that the defendant be committed to the custody of the Attorney General or his
14 designated representative for confinement in a corrections facility separate, to the extent practicable,
15 from persons awaiting or serving sentences or being held in custody pending appeal. The defendant
16 shall be afforded a reasonable opportunity for private consultation with his counsel.

17 While in custody, on order of a court of the United States or on request of an attorney for the
18 government, the person in charge of the corrections facility shall deliver the defendant to a United States
19 Marshal for the purpose of an appearance in connection with a court proceeding or any other appearance
20 stipulated to by defense and Government counsel.

21 IT IS SO ORDERED.

22 DATED: February 22, 2008

23 
24 Hon. Anthony J. Battaglia
U.S. Magistrate Judge
United States District Court